IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 11230 of 2005

Between:

Smt. Akther Begum, W/o Sri S. Abdul Rahman,
R/o D.No. 45/185/78/C, Narasimhareddy Nagar. Kurnool.

..... PETITIONER

AND

The Estate Officer and The Additional Divisional Railway Manager, Hyderabad Division, South Central Railway, Secunderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction, in the nature of Mandamus, declaring the action of the respondent authorities in not passing orders as contemplated under Sec.5 of the Public Premises (Eviction of Unauthorised Occupants) Act 40 of 1971 in pursuance of the show cause notice dated 21-4-2005 bearing No. YW/274/WV/EVICION/KRNT/05 served on the petitioner on 28-4-2005 , submitted explanation on 9-5-2005 as required by the respondent, as being illegal, arbitrary, capricious and mala fide.

Counsel for the Petitioner: MR. SYED SHAREEF AHMED

Counsel for the Respondent: MR. GOURI SHANKAR SANGHI

This Court at the admission stage made the following:

O R D E R:

This writ petition is filed seeking to declare the action of the respondent in not passing orders as contemplated under Section 5 of the Public Premises (Eviction of Unauthorised Occupants) Act, 40 of 1971 in pursuance of the show-cause notice dated 21-04-2005, as arbitrary and illegal.

Admittedly, the petitioner was served with the show-cause notice on 28-04-2005 and that he has submitted an explanation on 09-05-2005. In the circumstances of the case, the respondent has to take appropriate decision in accordance with law.

Accordingly, without entering into the merits of the case, the writ petition is disposed of directing the respondent to pass appropriate orders, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Till then, there shall be a direction to the respondent not to demolish the house-in-question. No costs.

(K. C. BHANU, J)

Date:17-05-2005

ghn

To

1 The Estate Officer and The Additional Divisional Railway Manager, Hyderabad Division, South Central Railway, Secunderabad.

2 Two CD copies.